



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jeffrey Hurst
Regional Director

**DEPARTMENT OF ENVIRONMENTAL QUALITY
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
United States Department of Agriculture – US Forest Service
FOR
Grindstone Recreation Area Sewage Treatment Plant
VPDES Permit No. VA0022993**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the Department of Environmental Quality (Department or DEQ) and the United States Department of Agriculture – US Forest Service (Forest Service), regarding the Grindstone Recreation Area Sewage Treatment Plant (Facility or STP) located at the Mount Rogers National Recreation Area in the George Washington and Jefferson National Forests, for the purpose of revising certain provisions of the Order by Consent (Order) and Amendment issued to the Forest Service on January 13, 2021 and April 5, 2022, respectively. This Amendment supersedes and terminates the Amendment issued by the State Water Control Board to the Forest Service on April 5, 2022. In 2022, the Virginia General Assembly passed Senate Bill 657, which transferred the authority to issue consent special orders from the State Water Control Board to the Department.

SECTION B: Basis for Amendment

1. The Forest Service owns and operates the STP, located at the Mount Rogers National Recreation Area in Smyth County, Virginia. The Facility is a sewage treatment plant for the Grindstone Recreation Area. The Permit allows the Forest

Service to discharge treated sewage and other municipal wastes from the Facility to Big Laurel Creek, in strict compliance with the terms and conditions of the Permit.

2. The State Water Control Board (Board) entered into the Order with the Forest Service, effective January 13, 2021, due to violations of permitted effluent limits, failure to submit a complete permit application 180 days prior to expiration of the existing permit, failure to properly report all instances of noncompliance, and failure to properly operate and maintain all facilities and systems of treatment and control.
3. The Appendix A Schedule of Compliance (Schedule) contained within the Order required completion of repairs to the Facility's lower lagoon and reestablishment of the unit process associated with the lower lagoon in order to restore the full treatment capacity of the Facility. After completion of a feasibility study, the Forest Service opted for replacement of the sewage treatment system, in lieu of repairing the existing system, which necessitated changes to the Schedule contained within the Order.
4. On April 5, 2022, the Board entered into an Amendment with the Forest Service, which revised the Schedule contained within the Order to align with plans for Facility replacement.
5. On June 22, 2022, the Forest Service notified DEQ of concerns that it would not be able to meet deadlines set forth by the Schedule contained within the Amendment. The Forest Service relayed that estimated project costs had potential to exceed the threshold for the intended method of contract procurement, necessitating a change in the procurement method which would delay the project. On September 23, 2022, the Forest Service provided confirmation that, due to the described procurement restraints, it would not be able to meet a number of the deadlines set forth by the Schedule.
6. On October 9, 2022, the Forest Service formally requested an extension of some of the deadlines established by the Schedule contained within the April 5, 2022 Amendment. The changes are necessary due to unavoidable delays associated with the required change in procurement methods.
7. Based on the information available to DEQ to date, the Forest Service is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.15, the Department orders the United States Department of Agriculture – US Forest Service, and the United States Department of Agriculture – US Forest Service agrees to:

Perform the actions described in Appendix A of this Amendment, which supersedes and terminates the April 5, 2022 Amendment. Both the Department and the United States Department of Agriculture – US Forest Service understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this 09th day of March, 2023.



Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

The United States Department of Agriculture – US Forest Service voluntarily agrees to the issuance of this Order.

Date: 12/19/2022 By: [Signature] Forest SUPERVISOR
(Person) (Title)
United States Department of Agriculture –
US Forest Service B69755154
Exp 11/25

Commonwealth of Virginia

City/County of Roanoke

The foregoing document was signed and acknowledged before me this 19 day of

December 2022 by Joby Tumm who is
Forest Supervisor of the United States Department of Agriculture – US

Forest Service, on behalf of the agency.

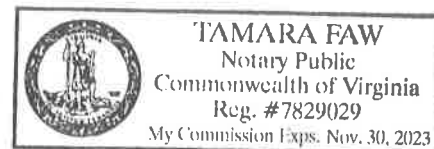
[Signature]
Notary Public

7829029

Registration No.

My commission expires: 11-30-2023

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

The United States Department of Agriculture – US Forest Service shall:

1. Limit services at the Grindstone Recreation Area to only those not contributing wastewater to the STP and its associated collection system until such time that a new on-site wastewater treatment system has been constructed, properly permitted, and made fully operational.
2. Employ properly certified wastewater treatment operator(s) to oversee all necessary discharges from the existing STP until such time that a new on-site wastewater treatment system has been constructed, properly permitted, and made fully operational.
3. Ensure the existing STP complies with all final effluent limits set forth by the current Permit until such time that a new on-site wastewater treatment system has been constructed, properly permitted, and made fully operational and the existing STP has been properly decommissioned and closed.
4. Complete selection and final design of the new on-site wastewater treatment system and associated collection system, and submit plans and specifications to DEQ for review by June 24, 2023.
5. Complete design of a decommissioning/closure plan for the existing STP and submit to DEQ for review and approval by June 24, 2023.
6. Secure funding for construction of the new on-site wastewater treatment system and associated collection system and for decommissioning/closure of the existing STP, and provide documentation to DEQ verifying funding by May 31, 2026.
7. Issue notice to proceed for construction of the new on-site wastewater treatment system and associated collection system, and provide documentation to DEQ verifying the notice to proceed for construction date by November 30, 2026.
8. Achieve final completion for construction of the new on-site wastewater treatment system and associated collection system, acquire applicable permit(s) and applicable certificate(s) to operate, make system fully operational, provide documentation to DEQ verifying acquisition of permit(s) and certificate(s), and notify DEQ upon placing the system into service by May 31, 2028.
9. Complete decommissioning/closure of the existing STP in accordance with the approved plan, and notify DEQ upon completion by May 31, 2028.

10. Submit quarterly progress reports to DEQ. The reports shall be received no later than the 10th day of the month following the quarter (e.g., the report for the reporting period January 1, 2023 through March 31, 2023 shall be due by April 10, 2023).
11. Unless otherwise specified in this Order, the Forest Service shall submit all requirements of Appendix A of this Order to:

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